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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/924,960 | 08/08/2001 | Felix A. Levinzon | 1575.2003-001 | 2004 |

7590 05/17/2004

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EXAMINER

CHAPMAN JR, JOHN E

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2856

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,960

Applicant(s)

LEVINZON, FELIX A.

Examiner

John E Chapman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 and 59-62 is/are pending in the application.
- 4a) Of the above claim(s) 14-19, 33, 34 and 51-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 20-32, 35-50, 56, 57 and 59-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. The disclosure is objected to because of the following informalities: It is not clear how low pass filter 6 can have a frequency range of 1.5 Hz to 8 kHz (page 7, line 28), since the one-pole low-pass pre-filter limits the frequency range to 460 Hz (page 8, line 3). Hence, it would appear that the upper frequency of the low pass filter is limited to 460 Hz instead of 8 kHz.

Appropriate correction is required.

3. The amendment filed March 11, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

It is not clear that the low-pass filter comprising the capacitors C1, C2 and C7 together with the resistors R12 and R13 is "active." Note claim 20, which describes a passive low-pass filter circuit, presumably that illustrated in Fig. 2. In addition, it is not clear that the low-pass filter has "a rise beginning at about 500 Hz and having a peak at about 10kHz."

Applicant is required to cancel the new matter in the reply to this Office Action.

4. Claims 13, 32 and 50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was

not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification as filed does not describe filters having an input impedance "greater than 10 Mohm." While the embodiment of Fig. 2 may have suggested an input impedance of approximately 200 Mohm, it would not have reasonably conveyed to one skilled in the art that the input impedance is any value greater than 10 Mohm.

5. Claims 1-13, 20-32, 35-50, 56, 57 and 59-62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 23, 37 and 38, the word "means" is preceded by the words "passive circuit" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the words "passive circuit," it is impossible to determine the equivalents of the element, as required by 35

U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Furthermore, it is not clear what element comprises a "passive circuit" coupling one of the filters 2 or 4 to the transducer 1. Such terminology does not appear in the specification. While buffer 10 couples the high-pass filter 4 to the transducer 1, it comprises an operational amplifier U1, which is an active device. Likewise, an active device J6 couples the low-pass filter comprising the capacitors C1, C2 and C7 together with the resistors R12 and R13 (page 7, lines 26-29) to the transducer.

Regarding claim 9, it is not clear what element comprises a "high impedance element external from the buffer to provide the output electrical characteristics of the transducer in at least one of the at least two filters." In the specification, only buffer 10 is identified as a high impedance element (page 5, lines 18-21). But buffer 10 is not "external from the buffer." Note also that "characteristics" should be changed to --signal--.

Regarding claim 30, it is not clear what element "approximates" the output impedance of the transducer. Such terminology does not appear in the specification.

Regarding claim 46, it is not clear what element comprises "at least one impedance element external from the buffer that provides the electrical characteristics observed by said circuit input to filter modules including said buffer."

Regarding claims 59-62, it is not clear that the filters "filter the electrical signal independent of a signal generating source external from the transducer." Such description does not appear in the specification. Furthermore, such appears to be a desired result, and it is not clear that any additional structure (or step) is being claimed. The structure (or step) that goes into providing the desired result must be clearly and positively specified.

6. Claims 1, 2, 4, 6, 22-26, 28, 35-41 and 43, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Dunnegan.

Dunnegan discloses in Fig. 7 a system for converting acoustic emissions into electrical signals comprising a transducer 210, a high-pass filter 226 and a low-pass filter 228. There is no "active" circuit element, i.e. amplifier, between the filters 226 and 228 and the transducer 210.

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Regarding claims 4, 26 and 41, amplifiers 234 and 236 may be deemed part of high-pass filter 226 and low-pass filter 228.

Regarding claims 6, 28 and 43, the filters appear to be electrically isolated from each other, i.e., it is not apparent that the signal in one filter affects the signal in the other filter.

7. Applicant's arguments filed March 11, 2004 have been fully considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John E Chapman whose telephone number is (571) 272-2191. If

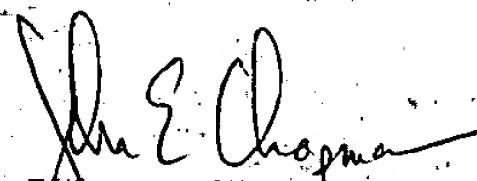
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attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John E Chapman
Primary Examiner
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